

Exhibit 9

This Exhibit contains the specific pages of the deposition Plaintiffs are referencing. The entire deposition was separately filed in the record pursuant to LR 5.1 and the M.D. Ga. CM/ECF Administrative Procedures Manual.

1 RUSSELL WASHBURN
2 IN THE UNITED STATES DISTRICT COURT MIDDLE
3 DISTRICT OF GEORGIA
4 COLUMBUS DIVISION
5
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7 WILHEN HILL BARRIENTOS, et al.,
8 Plaintiffs,
9
10 vs. Case No. 4:18-cv-00070-CDL
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12 CORECIVIC, INC.,
13 Defendant.

14 _____

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16 The Continued Videoconference Deposition
17 of RUSSELL WASHBURN, Volume 2
18 Commencing at 10:00 a.m.
19 Thursday, December 2, 2021
20 Before Renee J. Ogden, CSR-3455, RPR.
21 TSG Job No. 201679
22
23
24
25

RUSSELL WASHBURN

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necessarily the worker. That would go by whatever the area work schedule that those individuals may have. So this wouldn't necessarily drive work schedules for detainees.

Q. Okay. Let's take this exhibit down. Let's pull up what will be Exhibit 41, CCBVA106342.

MARKED FOR IDENTIFICATION:

DEPOSITION EXHIBIT 41

CCBVA106342

4:49 p.m.

BY MS. SANDLEY:

Q. All right. This is CoreCivic's inmate resident property policy, right?

A. Yes, ma'am, it is.

Q. It applies at Stewart, right?

A. It does.

Q. And all CoreCivic staff is expected to comply with it?

A. Yes, ma'am.

Q. All right. Let's take a look at page 6. I'm looking at 2F where it says, "standard prison issue." Do you see that?

A. I do, yes, ma'am.

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2 Q. And then I want to look at the next
3 page and then I will ask you a question.

4 A. Okay.

5 Q. Page 7. I'm looking at "G standard
6 adult local detention facility issue." So
7 which of these lists of property apply at
8 Stewart?

9 A. The one -- really both. I mean, we
10 issue all of those items. But this one right
11 here where at the end of the standard adult
12 local detention facility really -- you scanned
13 past it pretty quick. Was there just numbers?
14 Was that the difference? I'd have to go back
15 and look.

16 Q. Yes. Let's go back to --

17 A. Just so I can look at the items
18 listed. This one is really more specific and
19 applicable to the prisons where the one on
20 page 7 would apply to the detention facilities.

21 Q. Okay. So if CoreCivic were looking
22 at whether Stewart is complying with this
23 policy, it would look at the standard adult
24 local detention facility property requirements?

25 A. In addition to the PBNDS standards

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2 to make sure. And we actually exceed what the
3 standards require as far as the issue.

4 Q. Okay. Then let's go down to G,
5 "local detention facility list."

6 Okay. Are there any clothing items
7 not listed in this policy that are issued at
8 Stewart for free?

9 A. The jacket -- suitable to the
10 climate. It looks like it captures everything.

11 Q. Okay. And are all the clothing
12 items issued at intake new?

13 A. Yes, they are.

14 Q. If a detained person requests
15 replacement clothing items, are all of those
16 replacement items always new?

17 A. Yes. Let me -- let me -- all the
18 undergarments are brand-new, the T-shirts,
19 socks, underwear, bras, things of that nature
20 are brand new. The uniform is a serviceable
21 uniform that has been laundered that can be
22 reissued. All undergarments, socks, to include
23 jackets would be laundered. As long as they're
24 serviceable and appropriate condition, they
25 would be reissued. So I guess hybrid. Some

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2 are brand-new where others may not necessarily
3 be brand-new.

4 Q. Do you know if Stewart has ever
5 issued used underwear or socks at Stewart?

6 A. Yes. In fact, they did and that is
7 consistent with the standard, although we
8 stopped that practice. It was in 2020. I just
9 do not recall the specific month in which that
10 was stopped. The practice that was in place
11 prior to was consistent with both ACA standards
12 as well as a PBNDS standards.

13 Q. And then looking at the list of
14 bedding -- actually, let me ask you one more
15 question about that.

16 Did you stop that practice of
17 issuing used underwear and socks after COVID-19
18 reached the Stewart facility?

19 A. It was during my tenure, so I came
20 here -- it was really when COVID started. So,
21 yes, ma'am, that would be accurate, yes.

22 Q. Let's look at the list of bedding.
23 Are there any items, bedding items, that are
24 issued at Stewart for free not listed here?

25 A. I don't believe so. I believe

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2 that's what we issue.

3 Q. Can detained people purchase bedding
4 in the commissary?

5 A. No, not in the commissary. I do
6 believe we issue a washcloth and I don't see
7 that listed there. I do believe we actually
8 issue them a washcloth as well.

9 Q. Okay. Can detained people purchase
10 towels and washcloths in the commissary?

11 A. I believe they are on the
12 commissary, but I'm not 100 percent. If you
13 have the list, I can refer back to that. I
14 would be more than happy to. I can't recall
15 the items on the list.

16 Q. Okay. If Stewart sells towels and
17 washcloths in the commissary, they would be on
18 the commissary item list?

19 A. Yes, ma'am.

20 Q. Let's look at the hygiene items.

21 Can we scroll down and see if there are hygiene
22 items in the local detention facility section?

23 Let's scroll up.

24 If CoreCivic was in compliance with
25 this policy which list of hygiene items is it

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2 going to look at for compliance. We can scroll
3 up and look at the one that is under the prison
4 standard. It's just above G. There we go?

5 A. It would be to the detention side.

6 Q. Are all of these hygiene items
7 listed here in 4 provided for free at Stewart?

8 A. Yes, ma'am, they are.

9 Q. Are the quantities reflected here
10 accurate to reflect what's provided for free at
11 Stewart?

12 A. I believe those are accurate. We
13 also have large soap dispensers that are in the
14 units that are liquid-type soap in addition to
15 what is actually physically issued. All of
16 that would be a common space area that they
17 could access the soap from. Yes, this is an
18 accurate number.

19 Q. Okay. And the soap provided for
20 free at Stewart is a soap-shampoo combo
21 product, right?

22 A. Yes, ma'am, I believe that's
23 accurate.

24 Q. Okay. Fair to describe the hygiene
25 items that are provided for free at Stewart as

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they obtain another type of shampoo for free?

A. Yes. They have to obviously see medical to confirm that it's causing that issue or if they are having some type of reaction to the chemical, we would then seek out to find an appropriate substitute for the items that we were issuing.

Q. Okay. Let's look at page 30. We can take this exhibit down.

All right. I want to shift to talking a little bit about physical plant at Stewart, the layout. There are both open bay and celled housing units at Stewart, right?

A. That is correct.

Q. And another -- another term people use for open bay is open door, right?

A. Yes, ma'am. That's correct.

Q. And those units are subdivided into pods, correct?

A. That is correct. Six pods per unit.

Q. Okay. And then what about in the segregation unit?

A. There are two pods that are single cell and 7 Alpha is a single cell, but there is

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2 two pods that are in that particular location.

3 7 Bravo is a two-person capable housing.

4 Q. Okay. So units 1 through 6 each

5 have six pods in them, right?

6 A. No. 1 through 3 have six pods.

7 Those are your open dormitory, open bay.

8 Q. Okay.

9 A. Then 4, 5, and 6, they have three

10 units -- I mean, three pods within the units

11 each.

12 Q. And Units 4, 5, and 6 are celled and

13 are those two-people cells?

14 A. Yes, ma'am, they are.

15 Q. Okay. Remind me, which units

16 currently house women at Stewart?

17 A. 1 and 2.

18 Q. Okay. And when did --

19 A. And 7 Bravo, that's really kind of

20 our receiving if we have to isolate, you know,

21 because of COVID -- cohorting or COVID. So

22 that's where the females would be in that

23 location if there was a need to do that.

24 Primarily general housing is 1 and 2 for

25 females.

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2 Q. Okay. And the open bay pods, how
3 many toilets are in each of those?

4 A. There are three toilets currently.

5 Q. And how many showers?

6 A. I believe six or eight. I would
7 have to go down and confirm the count. I don't
8 remember it off the top of my head.

9 Q. But somewhere between six and eight?

10 A. Yes, ma'am.

11 Q. Okay. And then the cell units, each
12 cell has its own toilet, correct?

13 A. Yes, ma'am, that's correct.

14 Q. And how many showers are in the
15 celled unit pods?

16 A. I believe six. I'm trying to
17 look -- counting as I'm walking in. I think
18 there are three on each side when you walk in
19 those pods. So I believe six.

20 Q. And what is the capacity of an open
21 bay pod compared to a celled pod?

22 A. 4, 5, and 6, and they're all the
23 same, so you have A pod, B pod, and C pod.

24 A pod and C pod both hold 88 at max. The Bravo
25 pod holds 80. I'm trying to remember the

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numbers that are actually within the open bay.

I believe it's 62 in some and 66 in others.

I'd have to look back at the -- each pod

breakdown to tell you the difference between

the 62 and 66. But I believe it's 62 and 66 in

some.

Q. Is that the current -- that's the

capacity for those open bay pods, correct?

A. That is the capacity. The PRR caps

is at 75 percent of those numbers. That's

where we are -- we're at that number or below

within the housing. Since I have been -- well,

since really the PRR requirement for the

75 percent came out, we have been in

compliance.

Q. Okay. Would you agree that the

celled units at Stewart do offer more privacy

than the open bay units?

A. By sheer design there would be more

opportunity for sure.

Q. Okay. Let's take a look at next

exhibit, 42.

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2 would be taken into consideration. It's on a
3 weighted tool. Certain types of offenses are
4 going to score higher than other types of
5 offenses for the population.

6 Q. And that tool, is that created by
7 CoreCivic or ICE?

8 A. CoreCivic.

9 Q. If someone receives a disciplinary
10 at Stewart, can that impact their
11 classification level?

12 A. It could, depending on the severity
13 and the type of disciplinary, yes.

14 Q. Now there are four classification
15 levels at Stewart, correct?

16 A. Well, it's kind of confusing. You
17 have a 1, 2, and 3, but the actual
18 categorization which is the ICE's
19 categorization there are four. So you have
20 low. Then you have low medium. Then you have
21 medium high. Then you have high. So it's
22 going to be 1, 2, or 3. It's somewhat
23 confusing. The 1 is going to cover those who
24 are low and medium low. The 2 is going to
25 cover the medium high. The 3 is going to cover

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2 high.

3 Q. Okay. And are there different
4 colored uniforms for each classification level?

5 A. Yes, ma'am, there is. For low it's
6 a blue or navy colored uniform.

7 You have a khaki colored uniform
8 which is going to be for your low medium.

9 You have orange that is going to be
10 for your medium high and you have red that is
11 going to be for high.

12 Q. When people who are detained at
13 Stewart appear for their immigration
14 proceedings, do they wear those colored
15 uniforms?

16 MS. SANDLEY: Let's go off the
17 record.

18 (Off the record at 10:34 a.m.)

19 (Back on the record at 10:42 a.m.)

20 BY MS. SANDLEY:

21 Q. Warden, when you froze, I think I
22 had just asked you: Do detained people at
23 Stewart wear their colored uniforms to
24 immigration proceedings?

25 A. Yes, ma'am.

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kitchen worker units?

A. No. It's really just the challenge has been around COVID and not being able to intermix and move people around, so that's been a little more problematic. We like it to be that way just because it streamlines it for us as well as for the population and sleep and things of that nature.

Today to say we have dedicated units or pods for that group, we don't today, but we have in the past.

Q. In the past when there were designated kitchen worker pods, those pods have been located both in open bay housing units and celled units, correct?

A. That's correct.

Q. Okay. And those units have provided additional games, video games, movies, correct?

A. There has been, yes.

Q. Okay. And they have also provided additional food at times, correct?

A. Correct.

Q. And when detained kitchen workers are removed from the work program, they're

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2 transferred from those designated workers'

3 housing units, correct?

4 A. When those units were in existence,

5 yes. It may not necessarily be the case today

6 because you may not be able to move them based

7 on their COVID status and where they're at.

8 Q. Okay. When those designated units

9 existed, it was CoreCivic's policy to transfer

10 detained people out of worker housing units

11 when they were no longer in the work program?

12 MR. LEE: Objection to form.

13 A. Correct.

14 BY MS. SANDLEY:

15 Q. Let's move on --

16 MR. LEE: CJ, at my count we're a

17 couple minutes past eight hours at this

18 point.

19 MS. SANDLEY: All right. Jacob,

20 I've got about 45 minutes left. I'm not

21 going to ask you for the two full. I'm

22 trying to go as fast as I can.

23 MR. LEE: Appreciate that. We can

24 do 45, but I'm going to have to insist on

25 keeping it to 45. Can we agree on that?

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2 CERTIFICATE OF NOTARY

3 STATE OF MICHIGAN)

4) SS

5 COUNTY OF WAYNE)

6
7 I, RENEE J. OGDEN, certify

8 that this deposition was taken before me on the
9 date hereinbefore set forth; that the foregoing

10 questions and answers were recorded by me

11 stenographically and reduced to computer

12 transcription; that this is a true, full and

13 correct transcript of my stenographic notes so

14 taken; and that I am not related to, nor of

15 counsel to, either party nor interested in the

16 event of this cause.

17 Dated: 12/15/2021

18
19
20 *Renee Ogden*
21 _____

22 RENEE J. OGDEN, CSR-3455

23 Notary Public, Wayne County, Michigan

24 My Commission expires: June 21, 2025